

[The decree dismissing the bill was passed, in accordance with the foregoing opinion, on the 21st of November, 1850, and on the 30th of the same month the complainants filed a petition for leave to file a supplemental bill in the nature of a bill of review. In this petition they state that since the filing of the bill in this cause, and since the same was at issue, Toram, the defendant, removed out of the state, and that they have been informed and believe, that said Toram has sold the greater part, if not the whole, of the personal property conveyed to him by complainants, and that he has carried out of the state all his personal property not so sold.

They farther state, that said Toram is now utterly insolvent, and that they have received this information since the decree; but that before the hearing of the cause, and after it was at issue, they had received information leading them to suspect his insolvency. That they knew of his removal out of the state, and of his having sold his property as above, after issue and before the hearing.

They then state, that they were not aware, but utterly ignorant, until after the decree was passed, of the importance of averring, and proving his non-residence, his insolvency, and his having sold, removed, and made way with his personal property as above stated, and, therefore, they pray leave to file a supplemental bill in the nature of a bill of review for the purpose of introducing the above facts.

Upon the matter of this petition the following opinion was delivered.]

THE CHANCELLOR:

The decree in this case was passed on the 21st of November last, and on the 30th of the same month, the complainants filed their petition for leave to file a supplemental bill in the nature of a bill of review, and as the decree had not then been enrolled, the application is in conformity with the practice. *Young vs. Keighley*, 16 *Vez.*, 348.

The decree which by this petition the complainants ask leave to review, was passed upon the ground that the bill did not